

William H. Trousdale, Esq.
 Brian M. English, Esq.
**TOMPKINS, MCGUIRE, WACHENFELD
 & BARRY LLP**
 Four Gateway Center
 100 Mulberry Street
 Newark, New Jersey 07102
 Phone: 973-622-3000
 Fax: 973-623-7780

Timothy Rooney, Esq. (*pro hac vice*)
WINSTON & STRAWN LLP
 35 West Wacker Drive
 Chicago, Illinois 60601-9703
 Phone: 312-558-5600
 Fax: 312-558-5700

David S. Bloch, Esq. (*pro hac vice*)
 Patrick M. Ryan, Esq. (*pro hac vice*)
WINSTON & STRAWN LLP
 101 California Street
 San Francisco, California 94111
 Phone: 415-591-1000
 Fax: 415-591-1400

Attorneys for Defendants PMC Global, Inc., PMC, Inc., PMC Europe Investments, S.L., Denis S. Commette, and Gama Machinery USA, Inc.

Steven M. Kaplan
KAPLAN & LEVENSON, P.C.
 433 Hackensack Avenue, 2nd Floor
 Hackensack, NJ 07601
 Phone: 201-646-9400
 Fax: 201-646-9401

Attorneys for Garraf Maquinaria S.A.

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

| | | |
|---|---|--|
| |) | Case No. 08-CV-01304 (FLW) (DEA) |
| GRACO INC., et al., |) | |
| Plaintiffs, |) | |
| v. |) | BRIEF IN SUPPORT OF |
| |) | DEFENDANTS AND |
| PMC GLOBAL, INC., et al., |) | COUNTERCLAIMANTS' MOTION |
| Defendants. |) | TO FILE DOCUMENTS UNDER |
| DENIS S. COMMETTE, GAMA MACHINERY |) | SEAL PURSUANT TO L. CIV. R. 5.3 |
| USA, INC., AND GARRAF MAQUINARIA, S.A., |) | |
| |) | |
| Counterclaim Plaintiffs, |) | |
| v. |) | |
| |) | |
| GRACO INC. and GRACO MINNESOTA INC., |) | |
| |) | |
| Counterclaim Defendants.) |) | |

Defendants and Counterclaimants Denis S. Commette and Gama Machinery USA, Inc. (collectively, "Gama") and Garraf Maquinaria S.A. ("Garraf"), pursuant to Local Civil Rule 5.3, respectfully submit this Brief in Support of their motion to seal certain materials in connection with their motion for preliminary injunction against Counter-Claim Defendants Graco Inc. and Graco Minnesota Inc. (collectively, "Graco"), which are being filed simultaneously with the Court.

Gama and Garraf request the following materials be sealed:

(i) Unredacted version of Gama and Garraf's Brief in support of its motion for preliminary injunction against Graco, with redacted portions referring to information designated confidential by Graco;

(ii) Unredacted version of Declaration of David S. Bloch in support of Gama and Garraf's motion for preliminary injunction against Graco, with redacted portions referring to information designated confidential by Graco.

The Court entered a Stipulated Protective Order on November 12, 2008 to govern information produced during discovery in this case. Dkt. 68. Pursuant to the Stipulated Protective Order, all parties may maintain the confidentiality of their sensitive and confidential information. During the course of discovery, confidential information has been designated by the parties as such.

In this connection, Gama and Garraf request the Court to seal the afore-said materials because the materials contain either documents and/or information garnered from the documents which Graco has designated as "Confidential" or "Confidential—For Attorney's Eyes Only," pursuant to the Stipulated Protective Order. Graco's designations protect its business interests,

and should the relief sought herein be denied, Gama and Garraf believe that Graco will contend that disclosure of such information would result in serious competitive injury. See L. Civ. R. 5.3(c) (2).

Therefore, Gama and Garraf respectfully submit that the afore-mentioned materials should be permitted to be filed under seal in order to preserve their confidentiality, as designated by Graco.

Dated: June 11, 2009

Of Counsel:

Timothy Rooney (*pro hac vice*)
David S. Bloch (*pro hac vice*)
Patrick M. Ryan (*pro hac vice*)
WINSTON & STRAWN LLP

**TOMPKINS, MCGUIRE, WACHENFELD &
BARRY LLP**

/s/Brian M. English

William H. Trousdale, Esq.
Brian M. English, Esq.

Attorneys for Defendants and Counterclaim Plaintiffs Gama Machinery USA and Denis
Commette

KAPLAN & LEVENSON, P.C.

Steven M. Kaplan *SK*

Steven M. Kaplan

Attorneys for Defendant and Counterclaim Plaintiff Garraff Maquinaria S.A.